

## REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 16 and 24 have been amended. Claims 4, 6-15, 17-18 and 28-30 were previously cancelled without prejudice. No new claims have been added. Therefore, claims 1-3, 5, 16 and 19-27 are presented for examination.

### 35 U.S.C. § 103 Rejection

Claims 1-3, 5, 16, and 19-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bookman, U.S. Application No. 2003/0050929 ("Bookman") in view of Ellis, U.S. Application No. 2004/0117831 ("Ellis").

Claim 1, as amended, recites:

A method comprising:

receiving content from one or more content sources;

distributing a metadata dictionary to a plurality of network nodes, wherein the metadata dictionary comprises content descriptors;

receiving subscription information from the plurality of network nodes;

matching the content and the subscription information to form an aggregate content bit for the plurality of network nodes;

creating a rating survey via the subscription information, the rating survey to maximize allocation of bandwidth, the rating survey including user data, the user data including one or more of user interest level relating to the content, user timing preference relating to receiving and/or consuming of the content, and observational profile information including automated observation and/or user-contributed observation;

allocating the bandwidth according to the rating survey;

generating an aggregated content stream based on the allocated bandwidth, wherein the aggregated content stream comprises aggregated content; and

distributing the aggregated content stream to a plurality of filtering network nodes, wherein the aggregated content stream is filtered via filtering hubs located at the plurality of filtering network nodes.  
(emphasis added).

As an initial matter, Applicant respectfully disagrees with the Examiner's characterization of the references and the pending claims. For example, neither Bookman nor Ellis teaches or reasonably suggests "allocating the bandwidth according to the rating survey" as recited by claim 1. The last Office Action (mailed, 10-02-07) fails to specifically point out where this feature is shown in the cited references. Hence, claim 1 is allowable as it is distinguished over the cited references by at least this feature.

However, for the sake of expediting issuance of this case, Applicant proposes additional amendments to the pending claims and submits the following remarks.

Bookman discloses "automatically build a database by automatically assigning links to an expert, pushing content to an expert, providing expert annotation, and linking the content to an annotation database." (Abstract). Bookman further discloses "data objects to execute limiting rules without requiring a connection to the database." (Abstract). Ellis discloses "*niche hubs*" to provide "interactive *television program guide* features and other features and information related to a specific user interest or programming category". (Abstract; emphasis supplied).

In contrast, claim 1, as amended, in pertinent part, recites "creating a rating survey via the subscription information, the rating survey to maximize allocation of bandwidth, the rating survey including user data, the user data including one or more of user interest level relating to the content, user timing preference relating to receiving and/or consuming of the content, and observational profile information including automated observation and/or user-contributed observation". (emphasis supplied).

Bookman and Ellis, neither individually nor when combined, teach or reasonably suggest at least this feature of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 16 and 24 contain limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 16 and 24 and their dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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